

**Carlos Hernández**  
Mayor

**Isis Garcia-Martinez**  
Council President

**Luis González**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Katharine E. Cue-Fuente**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Summary Agenda/Minutes

May 13, 2014

7:00 P.M.

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Call to Order - **Council President Garcia-Martinez called the meeting to order at 7:17 p.m.**

Roll Call-

- **Council Members Present:**

- Council President Isis Garcia-Martinez
- Councilman Jose Caragol
- Councilwoman Vivian Casals Munoz
- Councilwoman Katharine Cue-Fuente
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano

- **Council Members Absent:**

- Council Vice President Luis Gonzalez

- **Also present were:**

- Lorena Bravo, Acting City Attorney
- Marbelys Fatjo, Acting City Clerk

Invocation given by Marbelys Fatjo, Acting City Clerk

Pledge of Allegiance led by Councilman Jose F. Caragol

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.

- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

**REPORT: The meeting guidelines were read into the record by the Acting City Clerk, and translated to Spanish by Maricarmen López, Administrative Aide in the Office of the City Clerk.**

**Presentations –**

- **Jose Gonzalez, Senior Vice President, Florida East Coast Industries**, addresses the Mayor and Council regarding a commuter rail project that will travel from Miami to Orlando. (Requested by Councilman Paul Hernandez)

**REPORT: Mr. Jose Gonzalez was introduced by Councilman Hernandez. Mr. Gonzalez conducted the presentation.**

1. Announcement of Amendments/Corrections to the Agenda – **Item Q was added to the agenda. The applicant of PZ 2 has requested that the item be permanently withdrawn.**
2. Consent Agenda—

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

**REPORT: Motion to Approve the Consent Agenda, made by Councilwoman Cue-Fuente, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (6-0-1) with Council Vice President Gonzalez ABSENT.**

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on April 22, 2014. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- B. Request permission to increase purchase order # 2014-592, since it advantageous to the City, issued to Medina Brothers Plumbing Supplies, Inc. *d/b/a* Medina and Sons Plumbing Supplies, for the purchase of plumbing supplies and materials, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT**

- C. Request permission to increase purchase order # 2014-606, since it advantageous to the City, issued to Royal Electrical Supply, Inc., for the purchase of electrical supplies, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- D. Request permission to increase purchase order # 2014-590, since it advantageous to the City, issued to Manhattan Electric & Hardware Corporation *d/b/a* Manhattan Electric & Lighting Supply, for the purchase of electrical supplies and materials, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- E. Request permission to increase purchase order # 2014-513, since it advantageous to the City, issued to Air Filters Company, Inc., for the purchase of supplies and materials, by an additional \$10,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- F. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an Interlocal Agreement with Miami-Dade County for Surface Water Quality Sampling and Analysis at six stations for a term of five years at a cost to the City in an amount not to exceed a total sum of \$109,000.51, including the purchase of equipment, and further authorizing the expenditure of an amount not to exceed \$19,834.01 for fiscal year 2014-2015, \$19,759.53 for fiscal year 2015-2016, \$26,852.31 for fiscal year 2016-2017, \$20,962.88 for fiscal year 2017-2018, and \$21,591.77 for fiscal year 2018-2019, a copy of which is attached hereto and made part hereof as Exhibit "1". (STREETS DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT. RESOLUTION NO. 2014-58**
- G. Request permission to increase purchase order # 2014-146, since it advantageous to the City, issued to Growers Equipment Company, the only authorized local dealer for new Holland equipment, to purchase Ford equipment parts and accessories for City trucks, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$60,000. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- H. Request permission to increase purchase order # 2014-228, since it advantageous to the City, issued to Rechten International Truck, Inc., for the purchase of truck parts and accessories for City trucks, by an additional amount of \$40,000, for a new total cumulative amount not to exceed \$80,000. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- I. Request permission to increase purchase order # 2014-231, since it advantageous to the City, issued to Mansfield Oil Company of Gainesville, Inc., to purchase gasoline and diesel fuel for City vehicles, by an additional amount of \$850,000, for a new total cumulative amount not to exceed \$1,800,000. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**

- J.** Request permission to utilize Shelby County AL. Car Equipment and Installation Contract (Contract No. 13-02-1105), Bid No. 2013-1-10591, and increase purchase order # 2014-124, since it advantageous to the City, issued to LESC, Inc., *d/b/a* Law Enforcement Supply Company, Inc., to purchase emergency equipment and supplies for City vehicles, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- K.** Request permission to utilize Miami-Dade County Bid No. 5745-2/14-2 – Parts/SVCS for buses & SUP Equip-Prequal, a competitively bid governmental contract, and increase purchase order # 2014-227, since it advantageous to the City, issued to Total Truck Parts, Inc., to purchase automotive parts and accessories for City vehicles, by an additional amount of \$60,000, for a new total cumulative amount not to exceed \$120,000. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- L.** Request permission to utilize Miami-Dade County Bid No. 5745-2/14-2 – Parts/SVCS for buses & SUP Equip-Prequal, a competitively bid governmental contract, and increase purchase order # 2014-197, since it advantageous to the City, issued to Aero Hardware & Supply, Inc., for the purchase of hydraulic hoses and fittings for City vehicles and trucks, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- M.** Request permission to increase purchase order # 2014-884, since it advantageous to the City, issued to Lou's Police Distributors, Inc., for the purchase of police uniforms, by an additional amount of \$6,394.37, for a new total cumulative amount not to exceed \$83,033.44. (POLICE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- N.** Request permission to utilize GSA contract #GS-35F-0574X, and issue a purchase order to General Sales Administration Inc., T/A Major Police Supply, sole source vendor, for the purchase of one Automatic License Plate Recognition (ALPR) camera with equipment, in a total cumulative amount not to exceed \$12,405.04. (POLICE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- O.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is the landscaper who is currently providing the City with the service of landscape maintenance for Sector 5, and issue a purchase order to Mystic Gardens Lawn Contractors, Inc., to replace damaged trees for the Sector 5 area, in a total cumulative amount not to exceed \$9,915. (STREETS DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**
- P.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is the landscaper who is currently providing the City with the service of landscape maintenance for Sectors 3 and 4, and issue a purchase order to VisualScape Inc., to replace damaged trees for the Sector 3 and 4 areas, in a total cumulative amount

not to exceed \$3,990. (STREETS DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**

- Q. Proposed resolution authorizing the Mayor and/or his designee to submit grant applications on behalf of the City of Hialeah, Florida, subject to ratification by City Council upon grant approval. (GRANTS & HUMAN SERVICES DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT. RESOLUTION NO. 2014-59**
3. Second reading and public hearing of proposed ordinance providing for a 10% Deferred Compensation Benefit based on annual compensation for any City Attorney and Assistant City Attorney first employed on or after April 1, 2014 without affecting any pension benefits or deferred compensation benefit provided to the City Attorney or Assistant City Attorneys who have vested in the Elected Officers Retirement Trust, or who are continuing pension contributions towards vesting or who are receiving deferred compensation benefits; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (LAW DEPT.) **Item was approved on first reading on April 8, 2014.**

**APPROVED (6-0-1) Council Vice President Gonzalez ABSENT. ORDINANCE NO. 2014-28**

**Motion to Approve Item 3 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (6-0-1) Council Vice President Gonzalez ABSENT.**

4. First reading of proposed ordinance amending Chapter 70 entitled "Retirement and Pension", Article IV. Employees General Retirement System, Division 1. generally of the Code of Ordinances and in particular, revising Hialeah Code § 70-96 entitled "Definitions"; amending Division 4, Membership and in particular revising § 70-203 entitled "Retirement Plans", revising § 70-204 entitled "Termination of Membership; "Effect of Reemployment", and creating a new § 70-210 entitled "Member Contributions to Retirement Plan"; amending Division 5, Benefits, and in particular revising § 70-238 entitled "Service Retirement Allowance", § 70-239 entitled "Vesting", § 70-240 entitled "Optional Continuance of Group Insurance Coverage by Retirants", § 70-242 entitled "Periodic Increases to Pensions" and § 70-249 entitled "Disability Benefits"; amending Division 7, Deferred Retirement Option Program (DROP), and in particular § 70-260 entitled "Eligibility"; repealing all ordinances in conflict herewith; providing for penalties; providing for inclusion in the code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT.**

**REPORT: Lorena Bravo explained the proposed ordinance to the Council.**

**Motion to Approve Item 4 made by Councilman Hernandez, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (6-0-1) Council Vice President Gonzalez ABSENT.**

5. Proposed resolution approving a modification of the scope of the Turf and Landscape Maintenance Joint Participation Agreement with the State of Florida, Department of Transportation to maintain the mulch areas and plantings along the median and shoulder of designated state roads to include a segment of Red Road, north of West 54 Street to south of West 84 Street. (STREETS DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT. RESOLUTION NO. 2014-60.**

**REPORT: Jorge Hernandez, Director of the Streets Department, spoke in regards to the proposed resolution.**

**Motion to Approve Item 5 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (6-0-1) Council Vice President Gonzalez ABSENT.**

6. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to enter into a Memorandum of Agreement renewing the association between the City of Miami Fire Rescue, as the sponsoring agency of Florida Task Force 2 under the U.S. Department of Homeland Security's National Urban Search and Rescue Response System (USAR), and the City of Hialeah as participating agency of the task force, a copy of which is attached hereto as "Exhibit 1". (FIRE DEPT.) **APPROVED (6-0-1) Council Vice President Gonzalez ABSENT. RESOLUTION NO. 2014-61.**

**Motion to Approve Item 6 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. MOTION PASSED (6-0-1) Council Vice President Gonzalez ABSENT.**

7. Board Appointments- **None.**
8. Unfinished Business-**None.**
9. New Business-

**REPORT: Mayor Hernandez mentioned that the City has solidified a deal with the County to commence the construction of three buildings, consisting of 180 units of affordable housing on Okeechobee Road and 19 Street.**

**REPORT: Mayor Hernandez stated that the City has received funds for the cultural park across from 76 street. He advised the Council that plans of the project will be provided to them, and requested the Council's input.**

**REPORT: Mayor Hernandez said that the Streets Department is working on replacing and replanting damaged trees due to the rainy season.**

**REPORT: Mayor Hernandez stated that Hialeah Housing Section 8 applications will be available online on June 6, 2014 from 9:00 am to 3:00 pm. The Mayor stated that the computers at the City libraries will be available for use by applicants.**

10. Comments and Questions- **None.**

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants:** Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

**REPORT: All present were duly sworn in.**

### **ZONING**

PZ 1. First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the operation of a used cooking oil storage facility on property zoned M-1 (Industrial District) and granting a Variance Permit to allow 15 parking spaces, where 20 are required, and to allow all parking spaces to back out on to the street, where backout parking is only allowed in low density residential districts, contra to Hialeah Code §§ 98-2189(15) and 98-2190. **Property located at 720 West 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Viesel Fuel, LLC; Registered Lobbyist: Alejandro Vilarello, Esq.* **APPROVED (5-1-1) with Council Vice President Gonzalez ABSENT and Councilwoman Casáls-Muñoz voting "NO".**

**Alejandro Vilarello provided the City Clerk with a Declaration of Restrictive Covenants.**

**REPORT: Alex Vilarello with offices at 16400 NW 57 Avenue, Miami Lakes, FL, addressed the Council on behalf of the applicant.**

**REPORT: Michelle Nieber of Viesel Fuel, Stuart, FL, addressed the Council on this item.**

**Motion to remove from table item PZ 1 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (6-0-1) with Council Vice President Gonzalez ABSENT.**

**Motion to approve item PZ 1 made by Councilwoman Cue-Fuente, and seconded by Councilwoman Lozano. MOTION PASSED (5-1-1) with Council Vice President Gonzalez ABSENT and Councilwoman Casáls-Muñoz voting "NO".**

PZ 2. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the granting of a Variance Permit to allow 12 occupational licenses on property zoned RO (Residential Office District), where a maximum of 2 licenses are permitted. Property located at **215 West 49 Street, Hialeah, FL.** *Applicant: Tirso P. Martinez.* **ITEM WAS PERMANENTLY WITHDRAWN PER THE APPLICANT'S REQUEST.**

- PZ 3. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the rezoning from R-1 (One Family District) to R-2 (One and Two Family Residential District) and the granting of a Variance Permit to allow a duplex on a substandard lot, having a frontage of 50' (75' required), total area of approximately 6,651.50 feet (7,000 square feet required); total lot coverage of 39% (30% maximum lot coverage allowed), rear setback of 21.7' (25' required) and south side setback of 4.5' (7.5' required). Property located at **4655 East 4 Avenue, Hialeah**. *Applicant: Edward Garcia and Nitza Garcia.*

**Item was placed on table on April 22, 2014, and on May 13, 2014 until the meeting of May 27, 2014 due to applicant not being present.**

**REPORT: Motion to table item PZ 3 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. MOTION PASSED (6-0-1) with Council Vice President Gonzalez ABSENT.**

- PZ 4. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the granting of a Variance Permit to allow one LED reader board pylon sign, with one LED display located within the sign and on property located outside the LED geographic area (only allowed within specific geographic area), having a distance of less than 300' radius from residential-zoned properties (minimum distance of 300' radius required) and allow existing setback of 2' (minimum of 10' required). Property located at **4640 Palm Avenue, Hialeah**, zoned C-1 (Restricted Retail Commercial). *Applicant: Benjamin Ocner.*

**Item was placed on table on May 13, 2014 until the meeting of June 24, 2014.**

**REPORT: Motion to table item PZ 4 made by Councilman Caragol, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (6-0-1) with Council Vice President Gonzalez ABSENT.**

- PZ 5. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of a Conditional Use Permit (CUP) to allow a house of worship, and consider granting a variance permit to allow 17 parking spaces, 5 of them backing out into the street (118 parking spaces required and back-out parking only allowed in low density residential areas). Property located at **460 West 83 Street, Hialeah, Florida**. *Applicant: Biblico Puertas De Sion* **Item was placed on table until the meeting of May 27, 2014.**

**REPORT: Andres Martinez, 15631 NW 152 Avenue, Apt. 201, Miami, FL was present.**

**REPORT: Motion to table item PZ 5 made by Councilwoman Cue-Fuente, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (6-0-1) with Council Vice President Gonzalez ABSENT.**

### **FINAL DECISIONS**

- FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-04 that granted adjustments on property located at **929 West 67 Street**,



**Hialeah, Florida;** and providing for an effective date. *Applicants: Secundino & Lydia Gonzalez.* **Item was placed on table until the meeting of May 27, 2014.**

**Item was placed on table on April 8, 2014, April 22, 2014, and on May 13, 2014 until May 27, 2014 due to the applicant not being present.**

**REPORT: Motion to table item FD 1 made by Councilman Caragol, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (6-0-1) with Council Vice President Gonzalez ABSENT.**

FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-07 that granted an adjustment to accommodate an aluminum roof terrace built without the benefit of a building permit on property located at **7157 West 30 Lane, Hialeah, Florida;** and providing for an effective date. *Applicants: Jose Luis Perez & Zenaida Perez* **APPROVED (6-0-1) RESOLUTION NO. 2014-62**

**REPORT: Motion to approve item FD 2 made by Councilman Caragol, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (6-0-1) with Council Vice President Gonzalez ABSENT.**

FD 3. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-06 that granted an adjustment to accommodate an aluminum roof terrace built without the benefit of a building permit on condition that the terrace remain open and the permit to legalize the improvements be finalized within 180 days on property located at **171 West 63 Street, Hialeah, Florida;** and providing for an effective date. *Applicants: Sudierky Conpanioni & Lisday De Armas* **Item was tabled until the meeting of May 27, 2014**

**REPORT: Motion to table item FD 3 made by Councilman Caragol, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (6-0-1) with Council Vice President Gonzalez ABSENT.**

**Meeting was adjourned at 8:24 pm.**

**NEXT CITY COUNCIL MEETING: May 27, 2014 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 27, 2014 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).